

SIKKIM



GOVERNMENT

GAZETTE

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Gangtok

Friday 20th January, 2017

No. 15

**GOVERNMENT OF SIKKIM
MOTOR VEHICLES DIVISION
TRANSPORT DEPARTMENT
YATAYAT BHAWAN, GANGTOK: 737101**

GOS/MVD/T/49

Dated:- 20/01/2017.

NOTIFICATION

In exercise of the powers conferred by rule 118 of the Central Motor Vehicles Rules, 1989, and in compliance with the directions of the Hon'ble Supreme Court vide its order dated 18/08/2011 in S.L.P. (Civil) No: 17135/2008 and Notification of the Government of India, Ministry of Road Transport & Highways, New Delhi vide GSR No 290(E) dated 15.04.2015, the State Government hereby notifies that the following classes of vehicles specified in the table below shall be fitted with a speed governor (speed controlling devices) conforming to the standard AIS: 018/2001 as amended from time to time namely:-

THE TABLE

Sl. No.	Type of Vehicle	Maximum Speed Limit in Kms. Per Hour			
		Category A	Category B	Category C	Category D
1.	Passenger Vehicles				
	(a) Light Motor Vehicles with seating capacity exceeding 8+1	50	40	40	15
	(b) Buses	50	40	30	15
2.	School Buses / Educational Institution Buses	30	30	30	15
3.	Goods Vehicles upto 3 axle (Except 3 wheelers goods vehicle, Dumpers, Tankers and those carrying hazardous goods)				
	(a) Without load	40	40	40	15
	(b) With load and or on a steep incline/ slope etc	30	30	30	15

4.	Goods Vehicles more than 3 axle (Except 3 wheelers goods vehicle, Dumpers, Tankers and those carrying hazardous goods)				
	(a) Without load	30	30	30	15
	(b) With load and or on a steep incline / slope etc	20	20	20	10
5.	Dumpers, Tankers and those carrying hazardous goods				
	(a) Without load	30	30	30	10
	(b) With load and or on a steep incline / slope etc	20	20	20	10

Category A = National Highways,
 Category B = State Highways,
 Category C = Roads other than State Highways,
 Category D = Roads in bazaars / schools / hospitals / mandir- crossings / army Cantonments / check posts etc where traffic congestion and pedestrian interaction is high and on those areas where the roads are damaged.

Conditions:

The speed governor shall be fitted in respect of;

- Vehicles manufactured on or after the 1st October, 2015 shall be equipped or fitted by the vehicle manufacturer either in the manufacturing stage or at the dealership stage with a speed governor (speed limiting device or speed limiting function), having maximum pre-set speed as specified in table above.
- The above categories of transport vehicles registered prior to 1st October, 2015 which are not already fitted with a speed governor (speed limiting device or speed limiting function) shall be equipped or fitted by the operators of those vehicles on or before 1st April, 2016 with a speed governor (speed limiting device or speed limiting function), having maximum pre-set speed as specified in the table above.

The maximum speed of such vehicles is fixed in the table above, under sub section (2) of Section 112 of the Motor Vehicles Act, 1988 (Act 59 of 1988) and all vehicles must adhere to the speed limit Notification No. GOS/ MVD/2009-10/Adm/10/48 dated:09 /12/2016.

(2) The permit granting Authority/ Registering Authority concerned in the State of Sikkim shall ensure that "speed governor" is fitted in each of the aforesaid classes of vehicles and the "official seal" of the permit granting Authority/ Registration Authority concerned shall be put up on such "speed governor" in such a manner that the seal cannot be removed or tampered, without the seal being broken.

(3) The speed governor so fitted shall be functionally capable of limiting the speed of the vehicles to the maximum speed as specified by the Government from time to time.

(4) The manufacturer of the speed governor shall obtain a type approval certificate in respect of the speed governor to be fitted from any of the testing agencies referred to in rule 126 of the Central Motor Vehicles rules, 1989; and as per the procedure and guidelines issued by the Ministry of Road Transport & Highways bearing no. RT-11017/13/2005-MVL dated: 16/06/2016.

(5) The Registering Authority concerned or any officer authorized by the Registering Authority shall seal the points with the official seal after satisfying himself that the speed governor is capable of limiting the speed of the vehicle as specified by the Government.

(6) No notified vehicle required to be fitted with a speed governor shall be used in any public place unless it bears the official seal.

(7) No person shall open, tamper or otherwise interfere with the official seal on a speed governor.

(8) In case the official seal is broken, damaged or opened due to any reason whatsoever, the vehicle shall not be used in any public place unless a new official seal is affixed by the authority concerned.

(9) The owner of the vehicle shall provide an inspection window on the floor of the vehicle just above the gear box or otherwise, where sensor of the speed governor is connected to the gear box for applying the official seal or for inspection of the same.

(10) Any officer of the Motor Vehicles Division not below the rank of Assistant Motor Vehicle Inspector is authorized to stop a vehicle for such reasonable time, as is necessary to satisfy himself that the official seal is intact and the speed governor is capable of limiting the speed as specified for such vehicle notwithstanding that the official seal on the speed governor appears to be intact.

(11) It shall be the duty of owner of the vehicle to train or educate the driver of the vehicle about the necessity and importance of the speed governor and the official seal therein.

(12) Every vehicle required to be fitted with a speed governor shall display the words **"SPEED GOVERNOR INSTALLED"** legibly written in English at the bottom of both front and rear wind screen. The letters shall be written in white colour and shall be of **15 cms height** with appropriate thickness.

(13) If, at any time, it is observed by the driver or the owner that the speed governor is not functioning properly or by any means it is observed that the speed of the vehicle does not limit to the prescribed speed, the driver or the owner shall ply the vehicles, only after necessary rectification. In such an event, it shall be necessary to obtain fresh official seal of the concerned Registering Authority on the Speed Governor.

(14) The State Government shall select the vendor of Speed Governor and its installation by incorporating in the Request for proposal (RFP)/Tender documents, the necessary directions and guidelines of the Hon'ble Supreme Court, instructions issued by the Ministry of Road Transport & Highways as per letter no. D.O. No. JS(T&A)/Misc/2009 dated: 21/08/2009 and procedures and guidelines issued by the Ministry of Road Transport & Highways vide letter no. RT-11017/13/2005/MVL dated: 16/06/2016.

Further, before selection of vendor, all the technical/legal/financial aspects shall be considered by the State Government in consonance with the directions and guidelines of the Hon'ble Supreme Court of India and Ministry of Road Transport & Highways, Government of India.

(15) Penalty provided under section 177 of the Motor Vehicles Act, 1988 (Act 59 of 1988) shall apply for violation of this Notification.

(S.B.S.Bhadoria) IFS
Secretary to the Government of Sikkim
Transport Department